

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	No. CR-07-030-RHW
Plaintiff,	)	
	)	ORDER GRANTING DEFENDANT'S
v.	)	MOTIONS TO EXPEDITE AND TO
	)	MODIFY CONDITIONS OF RELEASE
JOHN H. HERNANDEZ,	)	
	)	
Defendant.	)	

---

At the July 26, 2007, hearing on Defendant's Motion to Modify, Assistant Federal Defender Robert Fischer appeared with Defendant; Assistant U.S. Attorney Ronald W. Skibbie represented the United States.

The court, having considered the proffers of Defendant and Plaintiff finds Defendant has successfully participated in inpatient treatment and is scheduled for release on Tuesday, July 31, 2006. It is appropriate in light of his success that he go directly into a residential re-entry center and not be returned to jail. Accordingly,

**IT IS ORDERED** that Defendant's Motions to Expedite and to Modify Conditions of Release (**Ct. Rec. 44, 45**) are **GRANTED**. Defendant may be released on the following conditions:

1. On Tuesday, July 31, 2007, Defendant shall be released to reside at a Spokane residential re-entry center (Bannum Place).
2. Defendant shall participate in intensive outpatient

1 treatment to commence immediately upon entry into the residential  
2 re-entry center. **If Defendant fails in any way to comply or**  
3 **cooperate with the requirements of the outpatient treatment program,**  
4 **Pretrial Services and the parties are directed to notify the court.**  
5 **Treatment shall not interfere with the Defendant's court**  
6 **appearances.** Full mutual releases shall be executed to permit  
7 communication between the court, Pretrial Services, and the  
8 treatment vendor. If random urinalysis testing is not conducted by  
9 the treatment provider, Defendant shall be subject to random  
10 urinalysis testing by the United States Probation Office, not to  
11 exceed six times a month.

12 3. Defendant shall not commit any offense in violation of  
13 federal, state or local law.

14 4. Defendant shall not change addresses without prior  
15 permission of the court.

16 5. Defendant shall appear at all proceedings and surrender as  
17 directed for service of any sentence imposed.

18 6. Defendant shall sign and complete form A.O. 199C before  
19 being released and shall reside at the address furnished.

20 7. Defendant shall remain in the Eastern District of  
21 Washington while the case is pending. On a showing of necessity,  
22 Defendant may obtain prior written permission to leave this area  
23 from the United States Probation Office.

24 8. Defendant shall not possess a firearm, destructive device  
25 or other dangerous weapon.

26 9. Defendant is further advised, pursuant to 18 U.S.C. §  
27 922(n), it is unlawful for any person who is under indictment for a  
28 crime punishable by imprisonment for a term exceeding one year to

1 ship or transport in interstate or foreign commerce any firearm or  
2 ammunition or receive any firearm or ammunition which has been  
3 shipped or transported in interstate or foreign commerce.

4 10. Defendant shall refrain from the use of alcohol, and the  
5 use or possession of a narcotic drug and other controlled substances  
6 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical  
7 practitioner.

8 11. Defendant shall report to the United States Probation  
9 Office before or immediately after his release and shall report as  
10 often as they direct, at such times and in such manner as they  
11 direct.

12 Defendant is advised a violation of any of the foregoing  
13 conditions of release may result in the immediate issuance of an  
14 arrest warrant, revocation of release and prosecution for contempt  
15 of court, which could result in imprisonment, a fine, or both.  
16 Specifically, Defendant is advised a separate offense is established  
17 by the knowing failure to appear and an additional sentence may be  
18 imposed for the commission of a crime while on this release. In  
19 this regard, any sentence imposed for these violations is  
20 consecutive to any other sentence imposed.

21 DATED July 26, 2007.

22  
23 S/ CYNTHIA IMBROGNO  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28